UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,462	08/29/2001	Jean-Marie Stawikowski	213287US6X	5047

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ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/940,462	STAWIKOWSKI ET AL.
		Examiner	Art Unit	
		Chad Zhong	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 December 2003*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/15/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

2.   It is noted that although the present application does contain line numbers in specification and
claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is
to number each line of every claim, with each claim beginning with line 1. For ease of reference by both
the Examiner and Applicant all future correspondence should include the recommended line numbering.

3.   Applicant is required to update the status (pending, allowed, etc.) of all parent priority
applications in the first line of the specification. The status of all citations of US filed
applications in the specification should also be updated where appropriate.

4.   The use of the trademark Microsoft, IBM among others have been noted in this application (pg 11
for example). It should be capitalized wherever it appears and be accompanied by the generic
terminology. Appropriate correction is required through out the entire application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public

policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of

the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See

In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*,

422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA

1969).

        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome

an actual or provisional rejection based on a nonstatutory double patenting ground provided the

conflicting application or patent is shown to be commonly owned with this application. See 37

CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1-11, 12-20 provisionally rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claim 25-27, 29, 31, 36, 28, 32, 33 of copending Application

No. 09/940,573. Although the conflicting claims are not identical, they are not patentably distinct from

each other because The two co-pending applications are essentially the same other than SOAP vs WSDL

limitation. The SOAP and WSDL are all XML extensions, it would have been an obvious modification to

have used SOAP instead of WSDL in the Co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

Current Application: 09-940462	Co-Pending Application: 09-940573
1. a communication system on an IP network between an automation equipment comprising at least one processing unit capable of running a program to provide automation functions and one or more remote devices running a computer program or group of computer programs, characterised in that the communications system is based on the **Simple Object Access Protocol (SOAP)** for the purpose of providing the remote device with supervision, display, control, configuration or programming functions of the automation equipment, and in that the communications system comprises, in the automation equipment, at least one WEB service or one WEB client which are capable of interacting with the program of the automation equipment of decoding messages received from the IP network encoded according to the **SOAP protocol** and of encoding according to the	25. a communication system including: automation equipment having at least one processing unit configured to execute at least one automation program and at least one web service, said automation program configured to provide an automation function and said web service configured to provide a remote access to the automation function; remote equipment configured to communicate with the automation equipment over an IP network a computer application configured to execute on the remote equipment and to communicate with the at least one web service to provide a remote automation function to the remote equipment, said remote automation function including at least one of monitoring, display, control, configuration, and programming of the automation function provided by the automation program on the automation

SOAP protocol messages to be sent on the IP network	equipment using the remote access of the web service; and said remote automation function being based on at least one service description document configured to describe capabilities of the at least one web service using a WSDL (Web Services Description Language) language.

Current application discloses SOAP messages in place of WSDL language description. In accordance to the Specification of the Applicant, SOAP and WSDL are all XML extensions, it would have been obvious to have made modification using WSDL instead of SOAP in this invention.

Current Application: 09-940462	Co-Pending Application: 09-940573
2. a communication system according to claim 1, characterised in that an automation equipment includes at least one WEB service able to receive from the IP network requests, coming from at least one WEB client application contained in a remote device and of sending on the IP network responses to the WEB client application of the remote device.	26. The communication system of claim 25, wherein the service description document is accessible to remote equipment through a URL, URL or IP address through an IP network interface.

Current Application: 09-940462	Co-Pending Application: 09-940573
3. a communication system according to claim 1, characterised in that an automation equipment includes at least one WEB client able to send on the IP network requests to at least one WEB server application contained in a remote device and of receiving from the IP network responses, coming from the WEB server application of the remote device.	27. the communication system of claim 26, wherein the at least one web service is configured to receive and send messages encoded according to at least one communication protocol that conforms to at least one WSDL binding described in the at least one service description document on the IP network.

Current Application: 09-940462	Co-Pending Application: 09-940573
4. a communication system according to claim 2, characterised in that a service description document describes the capacities of one or more WEB services implanted in an automation equipment, this service description document being accessible for a remote device either from	29. the communication system of claim 28, wherein the at least one service description document includes a description of a capacity of the at least one web service according to at least one communication protocol of the automation equipment

| its local resources, or from remote resources identified by a URL, URI or **IP address** | |

Claim 29 of co-pending application does not disclose remote device accessible from IP address, however, the Co-pending application operates in the same environment and has disclosed communications between two nodes on an IP network, see for example, claim 27 above.

Current Application: 09-940462	Co-Pending Application: 09-940573
5. a communication system according to claim 4, characterised in that the service description document complies with a service description language referring to the SOAP protocol or to the HTTP, HTTPS protocol and providing a grammar based on the extensible Markup Language (XML)	31. the communication system of claim 27, wherein the at least one WSDL binding described in the at least one service description document conforms to at least one version of the SOAP protocol encoded in a binary format

Current Application: 09-940462	Co-Pending Application: 09-940573
6. a communication system according to claim 5, characterised in that the service description document may contain one or more URL, URI or IP addresses of one or more WEB services	36. the communication system of claim 26, further comprising a service description document generator configured to dynamically build the at least one service description document based on a request from the remote equipment and accessible to the remote equipment through an URL, URI or IP address through the IP network interface

Current Application: 09-940462	Co-Pending Application: 09-940573
7. a communication system according to claim 6, characterised in that the service description document complies with the Service Description Language (SDL).	31. the communication system of claim 27, wherein the at least one WSDL binding described in the at least one service description document conforms to at least one version of the SOAP protocol encoded in a binary format

Wherein SOAP is a form of service description language

Current Application: 09-940462	Co-Pending Application: 09-940573
8. a communication system according to claim 6, characterised in that the service description document complies with the Service Description Language (SDL).	31. the communication system of claim 27, wherein the at least one WSDL binding described in the at least one service description document conforms to at least one version of the SOAP protocol encoded in a binary format

As per claims 8-10, claims 8-10 are rejected for the same reasons as rejection to claim 7 above.

Current Application: 09-940462	Co-Pending Application: 09-940573
11. a communication system according to claim 6, characterised in that several service description documents complying with different service description languages can describe the capacities of a same WEB service	28. the communication system of claim 27, wherein the at least one WSDL binding described in the at least one service description document conforms to at least one of SOAP, HTTP and MIME protocol

Current Application: 09-940462	Co-Pending Application: 09-940573
13. a communication system according to claim 11, characterised in that the service description document of an automation equipment is stored in storage means located in the automation equipment	33. the communication system of claim 26, wherein the automation equipment further comprises an automation equipment local storage configured to memorize the at least one service description document

Current Application: 09-940462	Co-Pending Application: 09-940573
14. a communication system according to claim 11, characterised in that the service description document of an automation equipment is stored in storage means located in a remote device	32. the communication system of claim 25, wherein the remote equipment further comprises a remote local storage configured to memorize the at least one service description document

Current Application: 09-940462	Co-Pending Application: 09-940573
15. a communication system according to claim 11, characterised in that a generator is capable, following a request emanating from a remote device, of constructing a service description document dynamically, describing the capacities of one or more WEB services implanted in an automation equipment	36. the communication system of claim 26, further comprising a service description document generator configured to dynamically build the at least one service description document based on a request from the remote equipment and accessible to the remote equipment through an URL, URI or IP address through the IP network interface

Current Application: 09-940462	Co-Pending Application: 09-940573
16. a communication system according to claim 15, characterised in that the generator of a service description document of an automation equipment is accessible, for a remote device, via a URL, URI or IP address	36. the communication system of claim 26, further comprising a service description document generator configured to dynamically build the at least one service description document based on a request from the remote equipment and accessible to the remote equipment through an URL, URI or IP address through the IP network interface

Current Application: 09-940462	Co-Pending Application: 09-940573
17. a communication system according to claim 16, characterised in that the generator of a service description document of an automation equipment is stored in storage means located in the automation equipment or in storage means located in a remote device	32. the communication system of claim 25, wherein the remote equipment further comprises a remote local storage configured to memorize the at least one service description document

Current Application: 09-940462	Co-Pending Application: 09-940573
18. a communication system according to claim 16, characterised in that the generator of a service description document of an automation equipment is stored in storage means located in the automation equipment or in storage means located in a remote device	32. the communication system of claim 25, wherein the remote equipment further comprises a remote local storage configured to memorize the at least one service description document

As per claim 18, claim 18 is rejected for the same reasons as rejection to combination of claims 1 and 15 above.

As per claim 19, claim 19 is rejected for the same reasons as rejection to combination of claims 1 and 15 above.

As per claim 20, claim 20 is rejected for the same reasons as rejection to combination of claims 1, 4 and 15 above.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

6.   Claims 1-11, 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated over Linderman US 2002/0032790.

7.   As per claim 1, Linderman teaches a communication system on an IP network ([0013]) between an automation equipment ([0013], wherein the automation equipment is for example, the server) comprising at least one processing unit capable of running a program ([0013], [0026], wherein the server has programs controllable by the remote devices) to provide automation functions and one or more remote devices (Fig 1, item 12; [0015]) running a computer program or group of computer programs (browser item 16, Fig 1), characterised in that the communications system is based on the Simple Object Access Protocol (SOAP) for the purpose of providing the remote device with supervision, display,

control, configuration or programming functions of the automation equipment ([0013], [0018]), and in

that the communications system comprises, in the automation equipment, at least one WEB service

([0049]; T-BOX, Fig 1) or one WEB client which are capable of interacting with the program of the

automation equipment of decoding messages received from the IP network encoded according to the

SOAP protocol and of encoding according to the SOAP protocol messages to be sent on the IP network

([0045-0046]).

8.   As per claim 2, Linderman teaches a communication system according to claim 1, characterised

in that an automation equipment includes at least one WEB service able to receive from the IP

network requests ([0026]), coming from at least one WEB client application contained in a remote device

and of sending on the IP network responses to the WEB client application of the remote device ([0045]).

9.   As per claim 3, Linderman teaches a communication system according to claim 1, characterised

in that an automation equipment includes at least one WEB client able to send on the IP network requests

to at least one WEB server application contained in a remote device ([0026]; [0035]) and of receiving

from the IP network responses, coming from the WEB server application of the remote device ([0045]).

10.   As per claim 4, Linderman teaches a communication system according to claim 2, characterised

in that a service description document describes the capacities of one or more WEB services

implanted in an automation equipment ([0028-0030]), this service description document being accessible

for a remote device either from its local resources, or from remote resources identified by a URL, URI or

IP address ([0028-0030], [0040], [0049], wherein the user transmits service requests remotely to a server

in order to carry out the request).

11.   As per claim 5, Linderman teaches a communication system according to claim 4, characterised

in that the service description document complies with a service description language referring to the

SOAP protocol or to the HTTP, HTTPS protocol and providing a grammar based on the extensible

Markup Language (XML) ([0018-0019], [0026]).

12.   As per claim 6, Linderman teaches a communication system according to claim 5, characterised

in that the service description document may contain one or more URL, URI or IP addresses of one

or more WEB services ([0028-0030], wherein the name of the SNMP program is acting as an address, this

will help identify the type of services required on the hierarchy).

13.   As per claim 7, Linderman teaches a communication system according to claim 6, characterised

in that the service description document complies with the Service Description Language (SDL) (wherein

XML is a form of SDL language).

14.   As per claims 8-10, claims 8-10 are rejected for the same reasons as rejection to claim 7 above.

15.   As per claim 11, Linderman teaches a communication system according to claim 6, characterised

in that several service description documents complying with different service description languages can

describe the capacities of a same WEB service ([0042], [0043], wherein the different service description

such as HTTP-SOAP protocol can describe the type of web services).

16.   As per claim 13, Linderman teaches a communication system according to claim 11,

characterised in that the service description document of an automation equipment is stored in

storage means located in the automation equipment ([0034]; [0045]).

17.   As per claim 14, Linderman teaches a communication system according to claim 11,

characterised in that the service description document of an automation equipment is stored in

storage means located in a remote device ([0034]; [0045]).

18.   As per claim 15, Linderman teaches a communication system according to claim 11,

characterised in that a generator is capable, following a request emanating from a remote device, of

constructing a service description document dynamically, describing the capacities of one or

more WEB services implanted in an automation equipment ([0036], wherein the incoming requests are

handled dynamically since NMA will build a model required to satisfy the incoming requests, further, the

results are logged, wherein log will describe the status and capacities of the web services carried out).

19.   As per claim 16, Linderman teaches a communication system according to claim 15,

characterised in that the generator of a service description document of an automation

equipment is accessible, for a remote device, via a URL, URI or IP address (again, the generator is

accessible via the SOAP message, the contents of the SOAP message as well as the address identification

was described previously above).

20.   As per claim 17, Linderman teaches a communication system according to claim 16,

characterised in that the generator of a service description document of an automation

equipment is stored in storage means located in the automation equipment or in storage

means located in a remote device ([0036], wherein the generator and the messages that it generated are all

part of the remote device).

21.   As per claim 18, claim 18 is rejected for the same reasons as rejection to combination of claims 1

and 15 above.

22.   As per claim 19, claim 19 is rejected for the same reasons as rejection to combination of claims 1

and 15 above.

23.   As per claim 20, claim 20 is rejected for the same reasons as rejection to combination of claims 1,

4 and 15 above.

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

25.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linderman

US 2002/0032790, in view of 'Frequently Asked Questions about XML', Microsoft', June 2000.

25.   As per claim 12, Schwarzhoff does not explicitly teach compression of XML documents,

specifically, even though this is implied as a form of encoding.

26.   Microsoft' teaches a communication system according to claim 11, characterised in that a

service description document is compressed in a standard compression format for files and documents

(see for example, pg 7, "Will it be necessary to compress XML for transmission over the web?").

27.   It would have been obvious to one of ordinary skill in this art at the time of invention was made

to combine the teaching of Linderman and Microsoft' because they both dealing with service description

language implementations. Furthermore, the teaching of Microsoft' to allow

a communication system according to claim 11, characterised in that a service description document is

compressed in a standard compression format for files and documents

would improve the efficiency of document transport for Linderman's system by using compression

standards within XML.

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

"COMMUNICATION SYSTEM OF AN AUTOMATION EQUIPMENT BASED ON THE SOAP

PROTOCOL".

i.	US 2002/0032790	Linderman et al.
ii.	US 6732191	Baker et al.
iii.	US 6732175	Abjanic.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be

reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CZ
May 28, 2005

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